

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

LANA CANEN,)
)
Plaintiff,)
)
vs) Case No.
) 3:14-cv-315-RL-CAN
DENNIS CHAPMAN and MARK DAGGY,)
)
Defendants.)
)

The Deposition of MARK DAGGY

Date: Tuesday, October 28, 2014

Time: 10:30 a.m.

Place: Elkhart Police Department
175 Waterfall Drive
Elkhart, Indiana

Called as a witness by the Plaintiff
in accordance with the Federal Rules of Civil
Procedure for the United States District
Court, Northern District of Indiana, South Bend
Division, pursuant to Notice.

Before Charolette A. Martinez, CSR 11983
Notary Public, St. Joseph County, Indiana

MIDWEST REPORTING, INC.
1448 Lincolnway East
South Bend, Indiana 46613



1 Q. You might have to speak up a little bit. I'm hard
2 of hearing. Sorry about that.

3 So there -- is one of them still at home?

4 A. They're both at home.

5 Q. They're still both at home. Okay.

6 Tell me where you went to high school and when
7 you graduated.

8 A. I went to Mishawaka High School in Mishawaka,
9 Indiana. Graduated in 1986.

10 Q. And after high school did you go on to college?

11 A. Yes.

12 Q. Tell me where you went to college.

13 A. First year was IUSB. Then the following year --
14 following years, three years, I graduated from
15 Ball State University.

16 Q. Okay. And what was your major?

17 A. Criminal justice and criminology.

18 Q. And when did you graduate?

19 A. 1991 officially.

20 Q. 1991. And was that a Bachelor's Degree or
21 Associate's Degree?

22 A. Bachelor's.

23 Q. That was Ball State. Okay.

24 Have you attended any post secondary
25 institutions since completing your Bachelor's at

1 Ball State?

2 A. No.

3 Q. So we've covered all your educational experiences,
4 formal education, I should say?

5 A. Correct.

6 MR. KUS: That's excluding any
7 training, anything like that?

8 MR. SUTHERLIN: Right. We'll get to
9 that.

10 BY MR. SUTHERLIN:

11 Q. So we've covered that.

12 Let's go back to your employment history.
13 After graduating from high school, if you had any
14 full-time jobs, I want to talk about those. If you
15 didn't have any full-time jobs until you completed
16 your Bachelor's Degree, let's start with the first
17 full-time job.

18 A. Well, after -- after high school I was -- I worked
19 at -- kind of my high school -- I worked at a
20 convent, like lawn crew. And then like a year out of
21 college I worked at the convent full-time. And then
22 I got into -- I was a probation officer in St. Joe
23 County for juveniles.

24 Q. Okay. So let's see if we can put some dates to
25 that.

1 So after high school you worked at the convent
2 for --

3 A. For a -- yeah.

4 Q. For about a year or so?

5 A. Well, after high school I went right into college.

6 Q. Okay.

7 A. So, I mean, that was more or less my -- that was more
8 or less my summer job.

9 Q. Summer job?

10 A. Summer and -- yeah.

11 Q. Okay. So then when you finished college in 1991,
12 then you worked --

13 A. I worked full-time at the convent.

14 Q. Yeah. Okay. You don't need to smile about that.
15 That's fine. It's a job.

16 All right. Full-time at the convent. Cutting
17 grass job, maintenance, that kind of thing?

18 A. Maintenance, right.

19 Q. What's the name of the convent?

20 A. St. Francis Convent.

21 Q. Okay. And then after working there for a while,
22 you applied for a parol officer position,
23 probation --

24 A. Probation officer. Juvenile probation officer in
25 St. Joe County.

1 six to eight months.

2 Then the year -- like 2000- -- I'm sorry -- 1995
3 rolled around. You get like shift bid, and then I
4 got moved to afternoons. And I believe I was on
5 afternoons for roughly a year.

6 Then we had a -- in our department we had an
7 anti-crime unit, which dealt, with, like street
8 crimes. You don't -- whatever -- whatever the
9 problem in the city is. It could be prostitution.
10 It could be street-level drugs. Kind of put out
11 fires wherever they are in the city.

12 Q. Did you apply for the anti-crime unit?

13 A. Yes.

14 Q. Now, did you at some point have any training after
15 you were hired on?

16 A. I went to the police academy, if that's what you're
17 talking about.

18 Q. Yes. When did you go there?

19 A. 1994.

20 Q. Okay. You were hired. And did you go immediately
21 to the police academy?

22 A. I think it was immediately, but it was -- it could
23 have been whenever they have classes.

24 Q. But relatively within the first couple months or
25 so?

1 A. Yes.

2 Q. All right. Were you on probation when you were
3 first hired?

4 A. I believe there is a probation period, and I -- I
5 think it's a year.

6 Q. One year. That's pretty standard.

7 After you complete your training at the State
8 Law Enforcement Academy, you graduated with the
9 class. Do you remember when you graduated?

10 A. I remember my class was 94-118. And I believe it was
11 July of 1994.

12 Q. July of 1994. All right.

13 Tell me about any subsequent training. For
14 example, were you assigned an FTO to work with?

15 A. Yes.

16 Q. Tell me how that works in Elkhart.

17 A. I remember back then there wasn't -- it wasn't a set
18 period like, you know, you're going to be on FTO for
19 two months and then you're on your own. I think it
20 was you go at the rate of -- the speed of the person
21 being trained.

22 And my primary field training officer was
23 Frank Thomas, but I'd been with, I'm sure, several
24 other cops, officers, that I would ride with and
25 learn from.

1 don't get too many accidents, like involving
2 vehicles.

3 So I think some of the things you look for
4 mostly is like burglaries, suspicious, you know,
5 people, DUIs.

6 Q. When you worked a burglary, did you work it by
7 yourself or did you work it with somebody else or a
8 team?

9 A. When you got -- as a uniform police officer, when you
10 got dispatched, you'd usually -- you would have --
11 you'd never work by yourself when you respond to it.

12 If it looked like it was in progress, you would
13 wait until someone got there or a canine, who -- if
14 need be, they could search -- search the structure.
15 You'd always await -- you always would wait until
16 someone got there, if you could.

17 I believe that answers your question.

18 Q. After you were, I guess, notified by dispatch there
19 was a burglary, would you stay involved in
20 developing the evidence from the crime scene?

21 A. If -- if there was evidence, like a kicked-in door or
22 evidence that was physical that was laying around,
23 you would note it. Or I would note it.

24 I'm not an evidence technician. There are
25 evidence technicians that are uniform police

1 officers. That would -- that would be their -- one
2 of their duties. They can photograph a kicked-in
3 door or, you know, physical evidence that may have
4 came in or out of the house or something that was
5 touched. I would note it for an evidence technician
6 at the uniform division -- or at the uniform division
7 level of it.

8 Then that case would eventually be passed off to
9 a detective, either assigned to a detective the next
10 day or the next two days.

11 Q. What role, if any, did you play, then, in the
12 continuing investigation if, say, we're talking
13 about a burglary?

14 A. As a uniformed officer?

15 Q. As a uniformed officer.

16 A. I don't understand your question.

17 Q. Well, did you pass the entire crime off to a
18 detective, or did you stay involved in any way? So
19 what was your role, if any --

20 A. Oh, okay.

21 Q. -- involving the continuing investigation and the
22 prosecution of that burglary?

23 A. You would do an initial report what you see, what you
24 saw, anything that you note of interest. Type that
25 all and document it all. And that would eventually

1 A. No.

2 Q. All right. Now, from 2004 until 2012 had you
3 received any additional training -- let's call it
4 formal training for the time being -- where you
5 went to a classroom structure, tests were given,
6 that kind of thing, other than the Indiana Law
7 Enforcement Academy?

8 A. I've been to a -- I've been to a lot of training as
9 far as like where tests were given.

10 Q. Well, let me clarify that. If I went through your
11 personnel file, I might find certificates for you
12 going to the FBI training program on polygraphs or
13 something like that. They typically do test you,
14 but maybe not always.

15 So what I'm talking about is something other
16 than just on-the-job training. I'm talking about a
17 formal classroom setting where you're handed
18 materials. You have to review the materials.
19 You're expected to know the materials. And they
20 typically would ask you -- ask you to demonstrate
21 your knowledge by testing you.

22 A. I was -- I've been to a certified -- certified voice
23 stress analysis school. It's like truth
24 verification.

25 Q. Sort of like a polygraph?

1 A. Right.

2 Q. And you were certified in that?

3 A. Yes. And I've been recertified, I think since then,
4 three times. Every two to three years I get
5 recertified.

6 Q. So you're the go-to polygraph guy here?

7 A. Voice stress -- we have two polygraph guys. There's
8 three voice stress guys -- people.

9 Q. Okay. All right.

10 A. I'm one of them.

11 Q. You're one of them. Who are the other two?

12 A. Lieutenant John Hammel and Detective Michael Miller.
13 And then we have two polygraph operators as well.

14 Q. Tell me what's involved in voice stress testing.

15 A. It measures stress in your voice. I'm trying to put
16 it simple.

17 Q. How does it do that?

18 A. Through frequencies. Through frequencies in your
19 voice that aren't picked up --

20 Q. Walk me through one. Maybe that's the best way to
21 do it.

22 A. Okay. There's -- when you speak, there's amplitude.

23 Q. I'm talking about give the instruction to the
24 person you're about to test, and walk me through
25 it.

1 A. Yes. I was in -- in 1994 I was basically in uniform,
2 for, I believe about a year and a half. And then
3 that takes us to about 1996. I was on anti-crime
4 unit for two to three -- I think it was --

5 Q. Was that considered a uniform position, anti-crime
6 unit?

7 A. They kind of fell under Detective Bureau. I mean,
8 you would -- you wear blue jeans with a gun and a
9 badge and -- just so somebody could identify you as a
10 police officer. Maybe grow your beard out or --

11 Q. Was this undercover, then?

12 A. No. I did anti-crime unit, I think, for two or three
13 years. Then I went undercover for five years.

14 Q. That's where you grew your beard out?

15 A. That's where you grow the beard out and the long
16 hair.

17 Q. Okay. And what special training did you have
18 before you went undercover?

19 A. I know one of the basic schools they always send a
20 detective to -- and you're basically a detective
21 being undercover because you're doing investigations.

22 Q. So did you have the rank of detective at that time?

23 A. Yes.

24 Q. Is that a merit position or is it just an appointed
25 position?

1 A. Appointed.

2 Q. Who appoints you?

3 A. At the time it was the captain of the Detective
4 Bureau.

5 Q. And who was that?

6 A. Larry Towns.

7 Q. And it's called a bureau?

8 A. Yes. Or, well, we call it criminal investigations
9 division or CID.

10 Q. All right. And so can you give me a year when you
11 went undercover as a detective?

12 A. I'm going to go back. I believe 2001 is when I went
13 into the bureau, so probably five years before that,
14 19- -- I believe I went undercover in 1996. Did
15 about five years. Then went to the criminal
16 investigations division.

17 Q. And the criminal investigation division began when?

18 A. 2001.

19 Q. And you were a detective then?

20 A. Yes.

21 Q. Did that involve an increase in pay when you became
22 a detective?

23 A. I think it's right about the same as being
24 undercover. I think you're still classified --
25 it's -- I don't think it's an increase in pay,

1 University of Illinois.

2 Q. What was the first part?

3 A. I did go to a homicide school.

4 Q. Okay.

5 A. Which was at the University of Illinois, which is
6 also called the Southern Police Institute. And I'm
7 trying to think -- I believe that was in 2002. I'm
8 not sure of the dates.

9 Q. Okay. Do you think it was before or after the
10 murder?

11 A. Are we talking about Helen Sailor?

12 Q. Helen Sailor, which was on Thanksgiving Day, 2002.

13 A. Boy, I don't remember. It was right around 2002. I
14 don't remember. It was before I joined the homicide
15 unit.

16 Q. But before you joined the homicide. Okay.

17 So is the homicide unit a more -- I guess a
18 special unit within the criminal investigative
19 division?

20 A. Yes.

21 Q. And when did you join the homicide unit?

22 A. 2003.

23 Q. 2003. And how did that come about? Was that your
24 choice?

25 A. To join, yes, it was my choice.

1 Q. I'm sorry. Say that again.

2 A. To join, it was my choice.

3 Q. Okay.

4 A. I was asked -- at the time our chief wanted to start
5 a homicide unit.

6 Q. Okay. And the chief at that time was?

7 A. Pam Westlake.

8 Q. Wessly?

9 A. Westlake.

10 Q. And she specifically asked you to be a homicide
11 detective and join that unit?

12 A. It may -- she had a -- she had specific -- hadn't
13 specifically asked me, no. I was asked by a sergeant
14 at the time, who is -- who was asked to join the
15 homicide unit as well.

16 Q. Okay. So who was it that asked you to join? The
17 sergeant did?

18 A. Yes.

19 Q. Okay. I misunderstood you, then.

20 So this sergeant asked you to join, but the
21 decision to put you in that assignment is the
22 chief's?

23 A. I would say yes.

24 Q. Okay. And that, again, is an appointed position,
25 not a merit position?

1 deposition in the same manner, with the same
2 seriousness that you would have prepared to prepare
3 to testify in a criminal case?

4 A. Yes.

5 Q. All right. When did you first come to learn of the
6 murder of Helen Sailor?

7 A. It was probably -- I probably saw it in the news the
8 day it happened or the day it was reported in the
9 news back in 2002.

10 I remember -- I remember at briefing, which is
11 right across the hallway behind us,
12 Detective Thayer, he came in and I believe he said
13 something to the people in briefing. The people in
14 briefing would be uniformed officers, and I think at
15 that time Detective Bureau was attending the morning
16 briefing. I think he said something a little bit
17 about it.

18 And I believe at the time he knew that I was
19 working burglary cases involving that same building
20 where Helen Sailor was murdered, and he said he would
21 like to get with me regarding those burglaries.

22 Q. Okay. So you had been working burglaries in that
23 building prior to her homicide?

24 A. Yes.

25 Q. Okay. Can you tell me what you remember about

1 those burglaries.

2 A. Yes. I remember there was about eight reported
3 burglaries.

4 Q. Eight? In what period of time?

5 A. I believe it was around -- this is to the best --
6 this is my best memory. I believe it was around May,
7 there were a series of burglaries that happened in
8 this building, and --

9 MR. KUS: May of what year?

10 THE WITNESS: May of 2002.

11 MR. KUS: Okay.

12 THE WITNESS: And what all these
13 burglaries had in common is it appears
14 that whoever committed these burglaries
15 just used the key to -- used a key to get
16 inside the door --

17 BY MR. SUTHERLIN:

18 Q. Okay.

19 A. Instead of, like kicking a door down or causing some
20 kind of forced entry into that apartment.

21 Items that were taken. Usually things that were
22 small that can be carried. I remember like
23 checkbooks. I think trinkets. Things of that
24 nature.

25 Q. Different victims?

1 A. At least eight different victims.

2 Q. Uh-huh. Were you the only detective working those
3 burglaries in that building?

4 A. I believe so, yes.

5 Q. And did you solve the burglaries?

6 A. No.

7 Q. As of today have the burglaries been solved?

8 A. No.

9 Q. Tell me what sort of activities you engaged in as a
10 detective to solve those burglaries.

11 A. Well, you go over there and you try to meet with
12 every victim. And at the time the victims -- a lot
13 of them are elderly. I'd say probably most of them
14 are probably now deceased. You interview them, and
15 just -- you know, and they are just remembering what
16 appears out in the open that has been taken.

17 And they didn't really have a whole lot of
18 suspect information other -- because it appears
19 that -- obviously they were gone when the burglaries
20 were committed. And it just appeared that someone
21 came into their door with a key.

22 Just kind of go -- you go over the -- to that
23 building over there, and you -- you'll talk to
24 people. Even if people aren't victims, you ask them
25 if anything's unusual and -- or who they suspect.

1 Q. Does the building complex have a name?

2 A. Waterfall High Rise.

3 Q. And is it a -- would you say a subsidized apartment
4 complex, or what they call affordable?

5 A. Yes.

6 Q. Rental?

7 A. Yes. At the time there were -- they had people on
8 Social Security. And they had elderly people. Yes.

9 Q. So since there was no forced entry on any of the
10 eight --

11 A. Correct.

12 Q. -- burglaries, did you find a hypothesis of how
13 this might have happened?

14 A. Yes.

15 Q. What was your hypothesis?

16 A. It appeared that someone used a key to get in these
17 apartments.

18 Q. Did you determine who had access to keys? Did you
19 develop sort of a suspect list?

20 A. Yeah.

21 Q. And who was the suspect?

22 A. Well, Lana Canen was one that came to the forefront.

23 Q. Did she have a key?

24 A. She was suspect as of having a key.

25 Q. She was suspected of having a key?

1 A. Yes.

2 Q. Okay. And how did you form the opinion that she
3 might have a key?

4 A. Because she had a boyfriend who was a maintenance man
5 that was in the building who had a master key. And
6 after interviewing him --

7 Q. And who -- can we have some names?

8 A. I'm sorry. Curtis Pratcher.

9 Q. And you're assuming that they were boyfriend and
10 girlfriend?

11 A. According to Curtis.

12 Q. As opposed to just friends?

13 A. Yes.

14 Q. So it was a romantic relationship?

15 A. I would say yes.

16 Q. Based upon what?

17 A. Based upon interviews.

18 Q. Their specific testimony?

19 A. I don't know if it came out in testimony, but I would
20 believe it was through statements taken.

21 Q. Well, you know, that's what I'm asking you. Was
22 this your impression or did someone say, "That's my
23 boyfriend. We have a romantic relationship"?

24 A. I believe Curtis told me that it was romantic. And I
25 believe there may have been some other statements

1 from people inside Waterfall High Rise that told me
2 this.

3 Q. And all of that was information that you recorded
4 in your burglary files?

5 A. Yes.

6 Q. Okay. Including your suspicion that Lana Canen had
7 access to a key?

8 A. Yes.

9 Q. All right. And these burglaries took place in
10 2002. But prior to May of 2002 -- or in -- up to
11 and including May of 2002?

12 A. To my recollection.

13 Q. When you were working the burglaries, did you talk
14 to Lana Canen?

15 A. Yes.

16 Q. Okay.

17 A. I tried to talk to her several times.

18 Q. Okay. When you say you "tried," did you talk to
19 her? You did talk to her?

20 A. Yes, I did.

21 Q. Okay. And where and what -- at what location did
22 you talk to her?

23 A. I remember talking to her here at the police
24 department. But before I remember talking to her at
25 Waterfall High Rise. She wasn't -- I think she was

1 Q. Was there any other suspect besides Lana and a
2 property manager?

3 A. For?

4 Q. The burglaries.

5 A. No.

6 Q. Did you ever charge anybody with the burglaries?

7 A. No.

8 Q. In the course of your investigation did you take
9 any fingerprints -- and I'm talking about the
10 investigation of the burglaries. Did you take any
11 latent fingerprints? Or collect any, I guess is
12 the term.

13 A. I can't remember if fingerprints were taken.

14 Q. Would that have been something that you would want
15 to take?

16 A. If it's available, yes.

17 Q. Well, how do you know it's not available until you
18 try to take them?

19 A. That's up -- that is up to the uniformed officer that
20 arrives at that scene, if he -- after talking with
21 the victim, if they feel that such and such was
22 handled in this area, I would think that would have
23 been done. But that -- that's before I get the case.

24 Q. So it's the investigating officer that's first
25 called to the scene on report of a burglary who

1 uniformed officer that took the call -- or in the
2 report. And I was assigned it.

3 Q. Did you talk to anybody other than just the victim?

4 A. No.

5 Q. Up to this point had you talked to Lana Canen?

6 A. I know during this time I made several attempts to
7 contact her to get her to talk. I don't think up to
8 this point I had a formal interview with her, no.

9 Q. What about her boyfriend, Mr. Pratcher?

10 A. He was talked to, but I don't know the exact date of
11 when I -- when I chatted with him.

12 Q. Did you ever advise the landlord, the property
13 manager to change the locks since you suspected
14 early on that -- since there was no forced entry,
15 that it had to be somebody with keys?

16 A. I remember there was a conversation to that. I don't
17 know if I advised her to change it or not, but I
18 remember there was a conversation with the property
19 manager that it appeared someone had a key to get
20 into these rooms.

21 Q. Okay. So you can't recall about whether or not you
22 had talked to Lana Canen by 3/27/02?

23 A. Formally I know I didn't. I know I made several
24 attempts to go up there to get her to come to the
25 door.

1 At one point I remember getting the property
2 manager, talking to her about trying to get Lana to
3 talk to me. And I believe she actually felt
4 something was wrong with Lana, so she opened the
5 door, and Lana was hiding behind the door.

6 Q. Did you ever determine whether or not Lana Canen
7 had a Restraining Order, Protective Order issued?

8 A. I knew there was a Restraining Order between her and
9 Curtis Pratcher, the maintenance man.

10 Q. When was that issued?

11 A. It was prior -- it was prior to this date, I believe.

12 MR. KUS: Would it help for you to
13 look at the document that the counsel is
14 referring to?

15 THE WITNESS: Yes.

16 MR. KUS: Why don't you do it. It's
17 No. 4 -- or No. 3. Excuse me. He's
18 asking you questions again about No. 3.
19 Take your time. Take a look at it.

20 THE WITNESS: This is 5?

21 MR. SUTHERLIN: That's 3.

22 MR. KUS: Emma Cox.

23 THE WITNESS: Oh, I'm sorry.

24 MR. KUS: Have you got the one for
25 Emma Cox?

1 Q. Okay. And she came out from the back on that
2 occasion?

3 A. A back room, yes.

4 Q. Okay. Did you announce your -- that you were
5 coming into the apartment, if you remember?

6 A. I didn't announce. The property manager was checking
7 to see if everything was okay.

8 Q. Okay. So you don't recall whether she even
9 announced herself coming in?

10 A. I don't recall.

11 Q. On that particular occasion have you run across any
12 other reports -- you're looking at 6. Have you
13 seen any reports where you document that
14 interaction with Ms. Canen?

15 A. Yes. I talked -- it's basically a closure I added to
16 all the case -- all these burglaries. I'll read what
17 I typed. "I talked with Lana. She signed and waived
18 her Miranda Rights and agreed to talk after many
19 attempts to talk with her."

20 Q. Okay. And do you recall that interview?

21 A. Yes.

22 Q. Where did it take place?

23 A. Took place here at the police department in one of
24 the interview rooms.

25 Q. Okay. And you conducted the interview?

1 A. Yes.

2 Q. It was taped?

3 A. I believe so, yes.

4 Q. All right. Did you ask her about the burglaries?
5 We have the tape, but I'm just wondering.

6 A. Yes.

7 Q. Did she deny having any involvement with the
8 burglaries?

9 A. She denied it.

10 Q. Did the burglaries -- did the burglaries continue
11 after that interview?

12 A. If I remember correctly, the interview was on, I
13 believe, April 22nd. And I don't think -- I don't
14 remember if they did or not. I don't believe they --
15 I don't believe they did. Probably one wasn't
16 reported to me.

17 Q. Let me hand -- you've got 6 in front of you. Let
18 me hand you 3. This indicates here that you spoke
19 with her on the 28th, if I'm reading that
20 correctly?

21 A. Are you referring to October 28th of 2002?

22 Q. Yes.

23 A. That's not -- this is just when this report was
24 generated, I believe. That's not when -- this was a
25 summary of a lot of different things.

1 Q. All right. So you took notes, and then on the
2 basis of your interview, you then developed this
3 document which he then agrees to be accurate?

4 A. Yes.

5 Q. Is that what you're saying?

6 So why didn't you take -- tape statements back
7 then?

8 A. I don't know if it was department policy. I think we
9 taped all suspects.

10 Q. Okay. So you can't recall why you didn't tape this
11 particular interview?

12 A. No.

13 Q. Did you draw any conclusions after speaking to this
14 subject?

15 A. Yeah. It appeared that he got a master key taken
16 from him.

17 Q. That's what he alleged?

18 A. That's what he alleged.

19 MR. KUS: Objection. Form of the
20 question; argumentative.

21 MR. SUTHERLIN: It's not
22 argumentative. It's clarification.

23 MR. KUS: Counsel, I'm just making
24 objections for the record. I've been
25 very good to you. We're not even talking

1 about what this lawsuit is about. It's
2 argument; that's my objection.

3 Go ahead. Continue.

4 BY MR. SUTHERLIN:

5 Q. Okay. So is it fair to say that that's an
6 assertion; you have no way of knowing whether it's
7 truth or not?

8 MR. KUS: You may answer that
9 question if it's fair to say that.

10 THE WITNESS: I'm not sure of the
11 question.

12 MR. KUS: He wants to know what's
13 fair. You're the police officer. He's
14 asking you if it's fair to say something.

15 BY MR. SUTHERLIN:

16 Q. I think the question specifically was: When you
17 take a statement from somebody, do you have any way
18 of knowing whether that statement is truthful?

19 A. No.

20 Q. Okay. So he has alleged that the keys were taken.
21 Do you have any independent verification that the
22 keys were taken from him?

23 A. Other than him telling me, no.

24 Q. And what keys were actually taken, if you know?

25 A. If I remember correctly, it was all his keys in --

1 all his keys were the master key to Waterfall High
2 Rise.

3 Q. All right. Well, a master key is one key. What
4 were the other keys to, if you know?

5 A. I don't know.

6 Q. Okay. Can I have that, please.

7 Did you report to the building authority, the
8 property manager that the -- that Curtis Pratcher
9 had indicated to you that his keys had been taken?

10 A. I don't remember if I did or not.

11 Q. This statement was taken on October the 7th, but he
12 had told you that much earlier than October the 7th
13 when you had talked to him that his keys had been
14 taken. Isn't that correct?

15 A. He may have. I don't remember.

16 Q. I'll hand you what is marked as Plaintiff's
17 Exhibit 2, and call your attention to the
18 supplemental case report dated 3/18/02.

19 A. Do you have a question for me?

20 Q. I think the question was: Hadn't you been informed
21 earlier by Mr. Pratcher that the keys had allegedly
22 been taken from him, his set of master keys, by
23 Lana, and he informed you on that particular day?
24 Isn't that correct?

25 A. On October 7th, 2002, yes.

1 Q. Okay. And you prepared that document?

2 A. Yes.

3 Q. What's the date of it?

4 A. Appears that it's October 20th, 2002, but could have
5 been just printed on that day.

6 Q. Okay. And this is a summary report that you
7 created?

8 A. Yes.

9 Q. And did you type it yourself, or did you dictate
10 it?

11 A. It appears that I typed it.

12 Q. Okay. All right.

13 Would you look at the next exhibit, please.

14 What is that?

15 A. It's a Deposition Exhibit No. 13. This is a booking
16 photo of Lana Canen.

17 And following it is -- was like an arrest
18 booking sheet. I believe it was a Warrant that Lana
19 had for check deception -- is what she was arrested
20 for. And following is like her -- like her
21 fingerprint card -- fingerprint cards.

22 Q. Okay. So you are -- that's sort of a book-in
23 record --

24 A. Yes.

25 Q. -- on Lana Canen?

1 MR. SUTHERLIN: Back on the record.

2 BY MR. SUTHERLIN:

3 Q. I'd like to clear up a couple things that came to
4 mind over lunch, Mr. Daggy.

5 I forgot to give you the chance to tell us
6 whether you've had any awards or certificates or
7 recognition as a police officer?

8 A. Yeah. I've had some recognition awards that were
9 given by captains. I don't know what they are off
10 the top of my head, but I've had some awards.

11 Q. This had to do with your performance as a police
12 officer in solving a crime or doing something
13 extraordinary?

14 A. Yes.

15 Q. Okay.

16 A. I actually got an award in this case and an award --
17 I think when I was on the drug task force.

18 Q. So did they take the award back?

19 A. No.

20 Q. Have you had any training in fingerprint
21 identification?

22 A. No.

23 Q. Have you had any training at all in how
24 fingerprints, latent fingerprints, are, I guess,
25 taken up or collected?

1 A. I've had no training at all in any kind of
2 fingerprint-taking.

3 Q. Okay. Now, we've identified yourself and
4 Dennis Chapman as defendants in this matter. When
5 was the last time the two of you talked about a
6 case of -- the case of Lana Canen?

7 A. I don't believe I've ever talked to him about the
8 case of Lana Canen.

9 Q. You've never talked to him?

10 A. I don't believe I've ever talked to him at all, ever.

11 Q. Prior to trial in 2004 you didn't have any
12 conversation with him?

13 A. I've never had any conversation with Dennis Chapman.

14 Q. We'll get there, then.

15 At some point did you tell Lana Canen before
16 the murder that you were going to arrest her for
17 the burglaries?

18 A. I may have.

19 Q. Did you discuss that decision to arrest her with
20 anyone else?

21 A. I don't think so.

22 Q. Do you want to refer to any of these records to
23 refresh your memory whether you've discussed this
24 with a supervisor or with any other detective?

25 A. If I need to, sure.

1 for that Warrant.

2 Q. After you were -- you learned of the death of
3 Helen Sailor, I think you said you were asked to
4 work the case because of your experience and
5 history in investigating the burglaries. Is that
6 correct?

7 A. No. The homicide unit was formed, and I just
8 happened to be in the homicide unit at the time. And
9 this was, I believe, the first case that we took.

10 Q. So the whole homicide division took this case, and
11 you weren't the -- you weren't specifically
12 assigned to investigate it?

13 A. That is correct.

14 Q. All right. Who else was working it with you, then?

15 A. Sergeant Bill Wargo, Detective Carl Conway,
16 Detective Peggy Snider, myself, and
17 Lieutenant Paul Converse.

18 Q. Okay. And how did you divide up the
19 responsibilities or decide collectively how to
20 pursue this investigation?

21 A. I didn't -- I don't make that decision. That
22 decision is dependant on our sergeant and lieutenant,
23 who does what during an investigation.

24 Q. Who would that have been?

25 A. It would have been Lieutenant Paul Converse and

1 Lieutenant Wargo.

2 Q. So was there, in fact, sort of a meeting where you
3 decided who was going to do what and discussed who
4 was going to do what?

5 A. If there's a meeting, Sergeant tells what to do, and
6 you just do it.

7 Q. Well, don't you have some sort of sense on what the
8 other folks are going to do as well? I'm assuming
9 that you're sitting down around a table at some
10 point when you get started?

11 A. I guess that's fair to say, so --

12 Q. Okay.

13 A. -- you don't do something twice that someone else has
14 done.

15 Q. Sort of a very practical way of coordinating
16 things; you know what you're doing, you know what
17 everyone else is doing, so you know who to talk to
18 if you have a question. Is that fair?

19 A. Fair.

20 Q. All right. So what was your specific role, then,
21 in conduct -- involvement in the investigation of
22 the homicide of Helen Sailor?

23 A. I'd say -- I'd say the beginning of the
24 investigation -- this case was -- this case was
25 assigned to Carl Conway. Carl Conway did the bulk of

1 the investigation.

2 At some point Carl Conway left the homicide
3 division, and this thing -- this case had been given
4 to the prosecutor's office and was going to go to
5 trial.

6 I sat at the table with the prosecuting office.
7 I've done -- I mean, I've done some work in it.

8 I'm not sure what your question is.

9 Q. Well, that's the next part, I guess. But -- so you
10 had done some work in the case along with other
11 detectives. Is that --

12 A. That's correct.

13 Q. And you were given specific assignments. So I'm
14 asking you in the course of the investigation, what
15 was your specific assignments?

16 A. I interviewed witnesses.

17 Q. All right. We have been, I guess, given over a
18 thousand pages, which constitute the file. And is
19 that the file you were referring to earlier, that
20 you reviewed?

21 A. Yes.

22 Q. In preparation for today's deposition?

23 A. (Witness nods head.)

24 Q. All right. And that -- I didn't mean to cut you
25 off.

1 Does that file, then, constitute, as far as
2 you know, the complete investigative file of the
3 Elkhart City Police Department?

4 MR. KUS: Just let me interpose this
5 objection: I'm not sure which papers
6 you're actually referring to. So just a
7 reservation, I don't want him saying that
8 everything is in there if it's not, or if
9 there's things in there he hasn't
10 reviewed from your -- what you've got,
11 what you're referring to.

12 With that -- with that caveat, I will
13 not repeat it again.

14 If you're going to refer just in bulk
15 to that -- Mike, you understand where I'm
16 going with that.

17 MR. SUTHERLIN: Okay. Let me go off
18 the record.

19 (Off the record from 2:13 to 2:18.)

20 MR. SUTHERLIN: Let's go back on the
21 record.

22 BY MR. SUTHERLIN:

23 Q. Officer Daggy, I'm going to hand you a number of
24 materials that have been Bates-stamped. And your
25 attorney has interjected an objection, which is

1 A. No.

2 Q. All right. After you arrested her, did you
3 continue with your investigation on the burglaries
4 or on the homicide in such a way as to occlude her
5 as a suspect?

6 A. When I arrested her for the Warrant, I wasn't in the
7 homicide unit, so I did not work on -- on the
8 homicide.

9 As far as the burglaries, the burglaries are
10 inactivated. Those are always -- those are always --
11 they can always be re-opened. They're not officially
12 closed.

13 Q. Well, my question, then, is just that. Did you
14 consider that now that she was under arrest for
15 this, that you wanted to continue your burglary
16 investigation?

17 A. I don't know. I know the burglaries are always still
18 there if anything new comes -- comes along.

19 Q. Well --

20 A. I mean, I always want to solve a crime.

21 Q. Sure. It wasn't about intent, but did you
22 specifically do anything after Lana Canen was
23 arrested for forgery in furtherance of your
24 investigation of the burglaries?

25 A. I don't believe so.

1 Q. Now, at this time it would have been, what, five,
2 six months after -- after the homicide?

3 A. She was arrested in April of 2003. Homicide was in
4 '12 of -- about five months, maybe.

5 Q. Okay. I'm just estimating. What had happened, if
6 you know, with regard to the homicide investigation
7 in those five months?

8 A. I don't know. I didn't work on it then.

9 Q. Okay. All right.

10 At some point you explained that there was
11 another officer who was primarily involved in the
12 homicide. Is this what we -- are we referring to a
13 new phase where there was a group of detectives now
14 working this as a cold case?

15 A. No. I think the -- I'm not sure what -- I don't
16 understand your question. I'm not sure what your
17 time frame is.

18 We formed the homicide unit -- I believe it was
19 August 2003. That's when we picked this case up.

20 Q. Yes. And that's when Detective Chapman was
21 involved in his fingerprint analysis?

22 A. I have no idea when he was involved with it.

23 Q. All right. But you weren't aware that he was
24 involved in this as a fingerprint analysis expert?

25 A. No.

1 Q. In August of 2003 what was your role? What was
2 your position in the investigation?

3 A. I did interviews -- I did initial interviews when we
4 picked the case up, interviews from people at the
5 high rise.

6 Q. All right. Was there any one particular officer
7 who was in charge of the investigation?

8 A. Detective Carl Conway was the lead guy in the
9 Helen Sailor homicide case.

10 Q. And you worked with him?

11 A. Yes.

12 (Plaintiff's Exhibit No. 14 marked.)

13 BY MR. SUTHERLIN:

14 Q. I'm going to hand you what is marked as Deposition
15 Exhibit No. 14. Ask if you've ever seen that
16 before?

17 A. Are you asking if I've seen this before?

18 Q. Yes.

19 A. I don't know if I have or not. I don't -- I've got a
20 legal paper that I've been shown, but I don't know if
21 I've seen this -- this one. I may have. I'd have to
22 look, but --

23 MR. DE BONI: May I see the exhibit?

24 MR. SUTHERLIN: Yes. I actually have
25 another copy here, somewhere.

1 Q. Who made the decision, if you know, to involve the
2 Indiana State Police in reviewing the fingerprint
3 evidence?

4 A. I don't know.

5 Q. Who made the decision not to include them, if you
6 know that?

7 A. I don't know.

8 Q. Who made the decision to involve Mr. Chapman?

9 A. I don't know.

10 Q. So you had no -- you have no knowledge today how he
11 was brought into the case?

12 A. I have no knowledge because I don't work -- I don't
13 work the evidence side of things. That's a whole
14 other beast. That's a whole other part in this
15 department. I don't deal with evidence.

16 No, I have no idea. I don't collect evidence.
17 I don't process scenes. That's not done by the
18 detective. That's done by evidence technicians,
19 evidence -- evidence detectives. They handle all
20 that decision.

21 That's part of prosecution when they -- they
22 choose the witnesses that they want for this -- for a
23 case that's presented to them.

24 Q. Are you suggesting that there's no one in the
25 detective division, homicide division, that you can

1 point to who's in charge of this prosecution that
2 represents the police department in gathering all
3 this evidence?

4 A. I don't understand your question.

5 Q. Well, if I'm a prosecutor and I call up a person
6 who is involved in this investigation and I say, "I
7 need to talk to the person who conducted this
8 investigation and knows it backward and forwards so
9 we can sit down and develop a strategy on
10 prosecution," who would that person be in this
11 case?

12 A. That could be a lot of people. There's a --
13 there's -- you know, there's five, six people who
14 have their hands in this, including evidence
15 technicians. Everyone -- evidence technicians -- I
16 told you, it's a different beast. They're
17 specialized in the evidence part of it, the
18 collection of it, and where it gets sent to.

19 Q. You know, this is the problem with the Homeland
20 Security. It was fragmented. It's fixed. I know
21 it's fixed. Who -- if you just don't know, just
22 say, "There's nobody in charge." Just say it that
23 way.

24 MR. KUS: You've never asked him the
25 question. Why don't you ask him the

1 Q. All right. And -- but according to your testimony
2 you said you did familiarize yourself with all of
3 the evidence and all of the documents in the
4 investigative file?

5 A. Yes.

6 Q. All right. And so at some point Mr. Chapman was
7 hired.

8 Did you make yourself familiar with his
9 involvement in the case?

10 A. No, I did not.

11 Q. And why not?

12 A. Because that's a totally -- that's a totally
13 different -- that's a totally different beast, like I
14 said earlier. That is -- that pertains to the
15 Evidence Bureau, which is the other side of the
16 building. They do all that.

17 Our evidence -- "they" being our evidence
18 technicians at the time. They -- they deal with all
19 the evidence that gets sent out to be looked at or
20 get examined at. That's not your run-of-the-mill
21 detective that does that.

22 Q. Is that what you are, run-of-the-mill?

23 A. No.

24 Q. Okay. All right.

25 So you're sitting at counsel table when the

1 trial begins. And who's the prosecutor?

2 A. Vicky Becker and Joel Williams.

3 Q. Okay. Did they from time to time talk to you about
4 various aspects of the case and the strength of the
5 evidence?

6 A. I'm sure they did.

7 Q. Okay. And how did you become -- what did you tell
8 them about Mr. Chapman and his contribution to the
9 case then?

10 A. I didn't tell them anything about Mr. Chapman.

11 Q. They didn't ask?

12 A. No.

13 Q. What was the evidence that you guys had which
14 linked Mrs. Canen to the case?

15 A. We had -- we had a lot of evidence in statements, in
16 numerous statements; statements that Lana gave
17 herself. Lana told Detective Thayer early on in the
18 investigation she was out of town. And we had two or
19 three people that said she was pacing back and forth
20 out in front of the high rise.

21 Helen was -- Helen was, you know, strangled.
22 She died by strangulation. Well, we have evidence --
23 I have evidence that Lana Canen strangled three
24 people. She strangled her daughter. She strangled
25 her stepfather, and might have strangled -- well, I

1 MR. SUTHERLIN: "Forensic."

2 MR. KUS: I mean, what did you say
3 about it? Emphasis on the word
4 "forensic"?

5 MR. SUTHERLIN: Yes.

6 MR. KUS: Thank you.

7 THE WITNESS: Do I find anything in
8 here that links her forensically; is that
9 what you're asking me?

10 BY MR. SUTHERLIN:

11 Q. Yes.

12 A. I'm not -- I don't look at evidence and say it
13 matches up to someone forensically. That's not what
14 I do. I'm not -- I'm not an evidence technician.
15 I'm not an analyst. So I can't answer that question.

16 Q. Do you know what the word "forensic evidence" is?
17 I mean, what it means.

18 A. I think it's kind of general. It could mean DNA. It
19 could mean hair samples, fiber samples. It's kind of
20 a general term.

21 Q. Yes. That's exactly what it is, but that's
22 forensics. So -- and a latent fingerprint would be
23 forensic evidence, would it not?

24 A. I guess.

25 Q. Okay. So -- you just guess? You don't know?

1 A. I don't know -- I don't deal with fingerprints. So I
2 can't -- I'm not -- I can't say what fingerprint
3 belongs to you or to her or to him. I don't deal
4 with fingerprints. I don't deal with evidence.

5 Q. That wasn't the question, Officer.

6 A. What was the question?

7 Q. I said, "Is fingerprint evidence forensic"?

8 MR. KUS: Actually, you said, "You
9 guess?" I think that's what you said,
10 honestly. When he said, "I guess," you
11 said, "You just guess?" And he was
12 explaining.

13 But go --

14 THE WITNESS: I'll say, yeah,
15 fingerprints can be found under the term
16 "forensics."

17 BY MR. SUTHERLIN:

18 Q. And you were trained, were you not, someplace along
19 the line to distinguish between forensic evidence
20 and, say, circumstantial evidence or non-conclusive
21 evidence, that kind of thing?

22 A. I was trained -- I know there's circumstantial
23 evidence and there's hard evidence. But I wasn't
24 trained to collect it or analyze it.

25 You know, if I -- if you see like a bloody

1 towel, you know, that could be hard evidence. He
2 would collect it.

3 Q. You would collect it, and what would you do with
4 it?

5 A. Well, I wouldn't collect it. An evidence technician
6 would collect it and take it to the wet room or the
7 Evidence Bureau. And they would run tests on it.

8 Q. Do you know what kind of tests they might run?

9 A. No.

10 Q. Okay. Did you ever speak to anybody about the
11 latent fingerprint which was identified as that
12 belonging to Lana Canen?

13 A. No.

14 Q. So the first time you heard of this evidence is
15 when Mr. Chapman testified?

16 A. I think in preparation for the trial, I heard -- I
17 had heard from Evidence Technician Joe Bourdon that
18 there was a fingerprint match.

19 Q. From Bill Voorhees?

20 A. No. Evidence Technician Joe Bourdon.

21 Q. Joe Bourdon. Okay.

22 And did you just happen to casually talk to
23 him about it, or was this something that you wanted
24 to find out about?

25 A. I think it was shared amongst the homicide -- the

1 entire homicide unit.

2 Q. Okay. Tell me how it was shared.

3 A. Well, any time -- any time there's a DNA hit or some
4 kind of hit that matches it to a suspect, we usually
5 get a -- we usually get a lab report saying that it's
6 identified -- this evidence has been identified.

7 There's a lab report, and that's usually brought
8 from an evidence technician to the homicide unit with
9 the findings.

10 Q. Okay. Was there such a lab report in this case?

11 A. I believe there was.

12 Q. And who prepared that lab report, if you know?

13 A. I believe it was prepared by Dennis Chapman.

14 Q. Okay. And when you were referring -- refer to it
15 as a "lab report," I normally think of just at a
16 laboratory where there was an examination very
17 carefully done with microscopes and things like
18 that.

19 Did Mr. Dennis Chapman, to your knowledge,
20 conduct such an investigation of the -- and compare
21 the latent fingerprints with that of Lana Canen?

22 A. To my knowledge there was a report done.

23 Q. Just that there was a report done; you don't know
24 how he did it?

25 A. How he did the report? Or how he did the exam?

1 Q. How he gathered the information and concluded that
2 there was a match.

3 A. Yeah. I'm not sure how he did that.

4 Q. Okay. And you didn't question him before at the
5 trial -- before his testimony about his
6 methodology?

7 A. No.

8 Q. Did you question him at all about his expertise?

9 A. No.

10 Q. Or his experience?

11 A. No.

12 Q. Did anybody?

13 A. I don't know.

14 Q. Okay. To your knowledge, you don't know of
15 anybody?

16 A. I don't know if anyone talked to Dennis Chapman or
17 not.

18 Q. Okay. I understand the answer.

19 (Defendant's Exhibit No. 17 marked.)

20 BY MR. SUTHERLIN:

21 Q. I'm going to hand you what is marked as Plaintiff's
22 Exhibit No. 17, which is Defendant Mark Daggy's
23 Answer to Complaint.

24 Have you seen that before?

25 A. I have seen this, yes.

1 heard of those types of hearings?

2 A. Yes.

3 Q. Was one of those types of hearings done in this
4 particular case, that you know of, regarding the
5 prosecution of Ms. Canen for murder?

6 A. Not that I know of.

7 Q. Who would make that decision to vet that -- that is
8 analyze -- an expert witness in a criminal case?

9 A. That's totally up to the prosecutor.

10 Q. Now, you have been asked a series of questions this
11 morning on burglaries. I just wanted to get a
12 timeline because some different years were used.

13 What year were these eight burglaries? When
14 did they occur?

15 A. They occurred in 2002. And I believe they started
16 from March, and I believe ended in May at some point.

17 Q. And at that point in time where did you work?

18 A. I worked in the Detective Bureau.

19 Q. So you were not in the homicide unit?

20 A. No, sir.

21 Q. Now, opposing counsel, counsel for the plaintiff in
22 this case, has asked you questions where he
23 referred to as a cold case, and you made a comment
24 about that. Do you refer to your unit as a cold
25 case unit?

1 before Thayer talked to you. I'm talking about
2 when you were on duty as an
3 investigator/detective for the burglaries, when did
4 Ms. Canen come to your attention during that
5 investigation as someone who was a suspect in the
6 burglaries?

7 A. It was after several interviews with some of the
8 victims. It was through the interviews with the
9 victims. They immediately -- I mean, she arose
10 immediately as a person who did it.

11 Q. Let's talk why. First, what was -- you said there
12 was a commonality among the eight when you were
13 testifying on direct examination. What was one
14 common aspect of these particular burglaries?

15 A. Somebody used a key to get in.

16 Q. How do you -- go ahead. I'm sorry.

17 A. I'm sorry. Somebody used a key to get in these
18 apartments.

19 Q. And how did you know someone used a key?

20 A. Because that's what the victims told me, and there
21 was no forced entry into the apartment. There was no
22 damage to the doorjambs.

23 Q. So -- as someone with -- who had been investigating
24 at this time, did you draw a conclusion about there
25 being no -- no damage to the doorjambs or to the

1 locks?

2 A. Yes, I did.

3 Q. And that was that there was a key used?

4 A. Yes.

5 Q. Okay. So how do we get from that piece of evidence
6 or eight pieces of evidence -- because as I
7 understand, it was all eight apartments were not
8 damaged, their doors were not damaged?

9 A. That is correct.

10 Q. All eight of them?

11 A. There was no damage on all eight.

12 Q. Have you ever investigated a burglary where -- that
13 short of time where there were burglaries in an
14 apartment or a building where there was no damage
15 to a -- to the lock or to the doorjamb on eight
16 different occasions?

17 A. No.

18 Q. Okay. So how did we get -- how did you get to the
19 point where you thought Ms. Canen could be a
20 suspect or was, in fact, a suspect in the
21 burglaries?

22 A. I interviewed a maintenance man over there,
23 Curtis Pratcher. And in the interview he told me
24 that he used to be intimate or romantic with
25 Lana Canen.

1 Q. And that's the second paragraph?

2 A. Yes, he is.

3 Q. Now, what connected, in your mind, Ms. Canen with
4 the break -- eight break-ins at the apartments?

5 A. Mr. Pratcher had told me that he was inmate or
6 romantically involved with Lana Canen. He had lived
7 in the apartment away from -- away from the high
8 rise.

9 She had stayed the night with him. He had woke
10 up the next morning. Lana was gone and his master
11 key to the high rise was gone.

12 Q. Now, Counsel for Plaintiff asked you, "Is that it?
13 Is that all there is?" That is, what evidence do
14 you have of Ms. Canen taking keys? And he asked
15 you questions about the keys, what they were.

16 First question: Did you ever see the keys?

17 A. Never found the key.

18 Q. Did you ever see the key chains?

19 A. No.

20 Q. Do you rely on witnesses to bring forth evidence
21 when you are investigating a case?

22 A. Yes.

23 Q. Was Mr. Pratcher a potential witness?

24 A. Yes.

25 Q. And did he tell you a possible reason that he would

1 lie? Did he give you anything that caused you
2 concern that he might be lying?

3 A. I don't know why he would lie to me regarding this --
4 him getting his keys stolen.

5 Q. How about a motive? Did he say anything? Did he
6 say his relationship was good, bad, or indifferent
7 with Ms. Canen?

8 A. No. It was bad. In fact, there was a battery charge
9 alleged against him. And she had gotten a
10 Restraining Order against him.

11 Q. So there might have been tension between the two of
12 them?

13 A. Yes.

14 Q. Did that in any way take away from your suspicion
15 of Lana Canen?

16 A. No.

17 Q. Why not?

18 A. I'm -- there's a whole bunch of other -- I mean,
19 there's a lot of other evidence that --

20 Q. Okay. Let's talk about it. What other evidence of
21 the burglaries did you have?

22 A. She wouldn't come to the door when I tried -- when I
23 tried to get her for an interview. This happened
24 several times until I finally went and got a -- you
25 know, like I said earlier, went and got a property

1 manager.

2 She checked on her, and Lana was hiding behind
3 the door. She was evasive. Things that were being
4 taken -- I mean, it was reported to me that things
5 were taken, like trinkets --

6 Q. Did anyone mention Lana Canen's name in the
7 interviews, Exhibit 1 through 9? Did any residents
8 mention Lana Canen specifically?

9 A. Yeah. Yes.

10 Q. All right. So when you interviewed her or when you
11 brought her in in April -- what was the date of
12 her --

13 A. I think it was April 22nd of 2003.

14 Q. Okay. You were asked some questions about this
15 exhibit, this Exhibit No. 12. And I think you
16 started reading from the first -- from the first
17 line of that fourth paragraph.

18 Is this your product? Did you type this up?

19 A. Yes, I did.

20 Q. Why don't you tell -- for the record, just tell us
21 what Lana said to you. What did she say on the
22 time of that interview when you brought her in?

23 MR. SUTHERLIN: The document speaks
24 for itself.

25 MR. KUS: I understand.

1 MR. SUTHERLIN: Let me --

2 MR. KUS: I understand.

3 MR. SUTHERLIN: Let me finish my --

4 MR. KUS: I appreciate that.

5 MR. SUTHERLIN: Speaks for itself.

6 It's a summary. It's not a signed
7 statement.

8 BY MR. KUS:

9 Q. Go ahead. First of all, I want to make sure --
10 honoring Counsel's objection -- let me just ask
11 you: Did you bring her in and talk with her?

12 A. Yes, I brought her in.

13 Q. And did you -- were you with her when you walked
14 out?

15 A. Yes.

16 Q. Okay. Did she continue to talk with you after you
17 left your office?

18 A. She did.

19 Q. Do you remember what she said?

20 A. She would tell me more -- after she contacted an
21 attorney, she said there was drugs involved.

22 Q. Did she volunteer that, or did you ask the
23 question?

24 A. She volunteered that.

25 Q. So she said she would tell you more, but there were

1 drugs involved; is that what you've --

2 A. That's correct.

3 Q. Okay. And was she, for some reason, afraid to give
4 you information?

5 A. She knows --

6 MR. SUTHERLIN: Objection; calls for
7 speculation on the state of mind of a
8 person.

9 THE WITNESS: She told me that there
10 was drugs involved, and she would be
11 kicked out of the Waterfall High Rise if
12 they found out because they have like a
13 zero-tolerance of drug use being used in
14 that building. They get booted out.

15 BY MR. KUS:

16 Q. Do you know if Ms. Canen was kicked out of the
17 Waterfall High Rise?

18 A. Yes, she was.

19 Q. Was that before or after the murder of Helen
20 Sailor?

21 A. It was after the murder.

22 Q. Okay. Now, let's go, then, to the next time you're
23 involved with Ms. Canen. That is, after the
24 burglary.

25 When was it after the burglary that you had

1 anything to do with her where her name came up, and
2 as well as the check deception?

3 A. After the burglaries I remember seeing her again in
4 2003 walking on Johnson Street.

5 Q. That's here in Elkhart?

6 A. That's here in Elkhart. Just not even a half mile
7 from here.

8 I checked her for Warrants. There was Warrants,
9 and she was arrested for that.

10 She was brought down. I didn't question her on
11 anything. She was just brought down.

12 Q. That brings us, then, to the time, then, I think
13 you said there was a meeting. And you said it was
14 a room here at the Elkhart PD where there was --
15 someone approached you concerning Lana Canen and
16 the burglary investigation. Who was that
17 individual?

18 A. That was Detective Thayer.

19 Q. Okay. And he said he wanted to talk to you?

20 A. Yes.

21 Q. Okay. And was Detective Thayer involved in the
22 investigation of the murder of Helen Sailor?

23 A. Yeah. He was -- he was lead, along with
24 Detective D'Andre Christian.

25 Q. And I think it's established that the murder

1 happened on November 28th, 2002. Does that ring
2 a --

3 A. That's correct.

4 Q. Does that sound about right?

5 A. Yes.

6 Q. Were you involved in the investigation of that
7 murder at that time?

8 A. No.

9 Q. Did you ever talk with Detective Thayer?

10 A. Yes, I believe I did.

11 Q. What did you tell him and what information, if any,
12 did you give him?

13 A. I told him that -- involving these eight burglaries,
14 that Lana Canen's name pretty much rose to the top on
15 the suspect list.

16 Q. What about the check deception? What was the
17 factual circumstances of that involving Ms. Canen?

18 A. There was victim, Emma Cox, she had --

19 Q. She was a victim of the burglary?

20 A. Victim of the burglary.

21 Q. So I want to understand this. This was back in
22 March or maybe April of 2002. She was a victim?

23 A. Yes.

24 Q. One of the eight?

25 A. Yes.

1 Q. Did you do anything with that -- with that check
2 and talk with anyone about it?

3 A. I did. I -- at the time my lieutenant was
4 Peggy Snider, and I -- I thought we could send it off
5 to a handwriting expert, who could compare the two.
6 And she said at the time we weren't going to do that.

7 Q. Did she give a reason?

8 A. No, she didn't. She didn't.

9 Q. Did you discuss the amount of the check or the
10 amount of the matter?

11 A. Yeah, I'm sure I did. I knew it was for \$88.65 and
12 who I thought it was, but wasn't given a reason. It
13 stopped right there. I didn't -- and I don't recall
14 ever sending something to a handwriting analyst or
15 requesting it be sent.

16 Q. Now, Ms. Canen is alleging in this lawsuit that you
17 got -- as I said before, you got together with
18 Mr. Chapman and decided to charge her, knowing
19 evidence was -- was -- did not support the charge.

20 You've seen that allegation; right?

21 A. Yes.

22 Q. Did you charge her in the burglaries?

23 A. No.

24 Q. Why not?

25 A. Because I didn't -- I don't think -- I think there

1 was probable cause. I didn't have enough to convict.
2 And, really, it would stop -- it would stop at my
3 supervisors.

4 Q. All right. So, now, let's go -- we're going to go
5 to 2003.

6 At some point in time you do get involved in
7 the investigation of the murder of Helen Sailor.
8 Is that correct?

9 A. Yes.

10 Q. This is after the initial group of investigators
11 had taken the case; correct?

12 A. Yes.

13 Q. And those investigators, then -- they did not
14 return a charge or indictment. Is that what your
15 understanding is?

16 A. They did not.

17 Q. Then there was a homicide unit created?

18 A. Correct.

19 Q. At that point in time did you do any interviews or
20 do any investigation with Ms. -- on Ms. Sailor's
21 death as to the involvement of anyone, in
22 particular the involvement of Lana Canen?

23 A. Did I do any investigation into this?

24 Q. Yeah.

25 A. Yeah. Sure.

1 Q. Was any evidence gathered that you thought led to
2 making Lana Canen a suspect in the murder?

3 A. Yes.

4 Q. I want you to just go through the evidence. Just
5 list it in your mind. Just start from wherever
6 you're comfortable and list at the completion of
7 your investigation what you thought pointed to
8 Lana Canen as a suspect.

9 A. Well, I think the biggest one is a statement from
10 Nina Porter where Nina Porter was told directly by
11 Lana Canen that basically she confessed to
12 Nina Porter that she did it, that no one was supposed
13 to get hurt.

14 Andy was brought in to scare her.

15 Q. Who's Andy?

16 A. Andy Royer, the other defendant.

17 Q. Okay. Did you know anything about Andy Royer and
18 his relationship with Ms. -- with Ms. Canen before
19 you heard about Nina Porter's comment? Do you know
20 what kind of relationship they had?

21 A. I don't know if we knew about it before then, but as
22 we dug more into the investigation, everyone said
23 that those two were always together.

24 Q. Does that mean anything to you as an investigator
25 in criminal matters when you see two people who are

1 together a lot, or it's reported?

2 A. Yeah. I think if you got -- if they're together,
3 they could both be potential suspects in a crime or a
4 case.

5 Q. So you had -- you talked to Nina Porter or
6 Nina Porter gave information. Did you have any
7 eyewitnesses identifying Lana Canen at or near the
8 scene of the crime?

9 A. Yes, we did.

10 Q. Who and when?

11 MR. SUTHERLIN: Which crime are we
12 talking about?

13 MR. KUS: Only one. The one you're
14 making an allegation against, of murder.

15 BY MR. KUS:

16 Q. Go ahead.

17 A. Yes. There was -- there were at least a couple
18 witnesses. Florence Macioci.

19 THE WITNESS: I'll get that for you.

20 A. She -- she saw Lana pacing out in front of the
21 building.

22 There's a Charlie Lambert. He actually saw her
23 pacing outside the building in the front and gave her
24 a ride later in the evening. And there might have
25 been a handful of other witnesses that seen her --

1 seen her in the building.

2 Q. Did Mr. Lambert make any comments or give any
3 statements to you that drew your suspicion toward
4 Ms. Canen about this ride and what occurred?

5 A. Well, he said that he took Lana out to -- it wouldn't
6 be one of her ex-husbands, but it was a -- an old
7 boyfriend or a man that she had -- they had a child
8 together. His name was Michael Burger. He said that
9 he took her to his residence.

10 There were other people that -- there were other
11 witnesses that Charlie Lambert said to them that, "I
12 hope no one saw Lana get in my car." I can find that
13 in the report. I know that that was documented. I'm
14 not sure.

15 Q. Would you like to look at that document? Go right
16 ahead. They're right in front of you.

17 A. Charlie Lambert's --

18 Q. Yeah.

19 A. -- or the -- I think it was -- I don't know if it was
20 marked specifically marked as evidence, but I
21 remember there being a person that was interviewed in
22 this case. It might have been Florence Macioci. And
23 he had made a comment to her, "I hope no one saw Lana
24 get in my car on Thanksgiving night."

25 Q. Did you have -- did you interview anyone else that

Date: October 28, 2014

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South Bend, Indiana 46613
(574) 288-4242

Signature: Mark Cazan

Date: 12-02-14

1 replacements whether they were replaced?

2 A. That would have been Danalee Meitzler. I can't --
3 I'm going to have to refer to my report. I don't
4 know if copies were made or not.

5 Q. Well, I gathered that, but I think -- I asked you
6 that on direct, and you couldn't tell me when you
7 were looking through the reports. If you want to
8 look through them again, go ahead.

9 A. Danalee -- Danalee felt a duplicate was made and
10 probably given to Lana Canen; that was her -- that's
11 what she had told me.

12 Q. And where are you finding that?

13 A. I'm finding that on Exhibit 9, top paragraph.

14 Q. Okay. This is not what it says. Shall I read it
15 to you?

16 A. If you want to.

17 Q. I guess I'm going to have to.

18 MR. KUS: Wait a minute. I'll
19 object. The document speaks for itself.

20 Do you have a question on the
21 document?

22 MR. SUTHERLIN: I'm going to read it
23 to him and then I'm going to ask him the
24 question, because apparently --

25 MR. KUS: I'll object.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

LANA CANEN,

Plaintiff,

vs

DENNIS CHAPMAN and MARK DAGGY,

Defendants.

Case No.

3:14-cv-315-RL-CAN

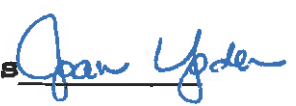
MARK DAGGY

I hereby acknowledge that I have read the foregoing deposition transcript regarding the case of Canen Vs. Daggy, taken on October 28, 2014, and that the same is a true and correct transcription of the answers given by me to the questions propounded, except for the additions or changes, if any, as noted on the attached errata sheet.


MARK DAGGY

Subscribed and sworn to me
this 2nd day of December,
2014, A.D.



Notary Public or Witness 
State of Indiana
County of Elkhart
My commission expires: 6-19-17

ORIGINAL

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CERTIFICATE

I, Charolette A. Martinez, a Notary Public, in and for the County of St. Joseph and State of Indiana, do hereby certify there appeared before me, MARK DAGGY, on Tuesday, October 28, 2014, who was duly sworn to testify the truth, the whole truth, and nothing but the truth to questions propounded at the taking of the foregoing deposition in a cause now pending and undetermined in said court;

I further certify that I then and there reported stenographically the proceedings at the said time and place; that the proceedings were then transcribed from my original shorthand notes; and that the foregoing transcript is a true and correct record thereof;

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 3rd day of November, 2014.



Charolette A. Martinez, CSR
Notary Public, State of Indiana
Residence: St. Joseph County
Commission Expires: 12-18-2022

IDENT DATA

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OTHERS INVOLVED

PROPERTY

03/28/2014 14:27:26

Page 2

1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

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WEAVER, J.R. (199)

Page 2

On Monday, 3/18/02, at approximately 1652 hours I was dispatched to 303 Waterfall Dr. reference to a burglary form apartment 801. Upon arrival I spoke to Janet Clark. Ms Clark advised she left her residence at approximately 1445 hours. When she returned at approximately 1630 hours she unlocked her deadbolt and went inside. Once inside she noticed a candy box on her bedroom dresser was gone. Inside the candy box was several ear rings. Ms Clark advised none of the ear rings were expensive. There were approximately 15-20 pairs.

Ms Clark also advised approximately \$20.00 worth of quarters were missing from the living room. Also taken was a check book, numbers 1620-1626. The check book was Elcos Federal Credit Union. A Merchant Bank credit card and a Capitol One credit card was also taken. Ms Clark has already contacted the bank to cancelled the checkbook and credit cards.

There was no forced entry to the residence. Ms Clark has lived in this apartment for seven years. She advised she locked the deadbolt when she left. She advised someone had to have a key to get into the apartment. No tech was called due to no forced entry. Ms Clark and a friend had already went thought the apartment looking to see what was disturbed.

Incident Report Related Property List

Elkhart Police Department

OCA: 2002-0318-044

1		Property Description JEWELRY / PRECIOUS METALS			Make		Model		Caliber			
Color		Serial No.		Value \$75.00		Qty 1.000		Unit		Jurisdiction Locally		
Status Stolen		Date 03/18/2002		NIC #		State #		Local #		OAN		
Name (Last, First, Middle) CLARK, JANET					DOB 05/26/1937		Age 64		Race W		Sex F	

Notes

2		Property Description CHECK BOOK			Make		Model		Caliber			
Color		Serial No.		Value \$0.00		Qty 1.000		Unit		Jurisdiction Locally		
Status Stolen		Date 03/18/2002		NIC #		State #		Local #		OAN		
Name (Last, First, Middle) CLARK, JANET					DOB 05/26/1937		Age 64		Race W		Sex F	

Notes

Elcose Federal Credit Union, check numbers 1620 - 1626.

3		Property Description MONEY / CASH			Make		Model		Caliber			
Color		Serial No.		Value \$20.00		Qty 1.000		Unit		Jurisdiction Locally		
Status Stolen		Date 03/18/2002		NIC #		State #		Local #		OAN		
Name (Last, First, Middle) CLARK, JANET					DOB 05/26/1937		Age 64		Race W		Sex F	

Notes

4		Property Description CREDIT / DEBIT CARDS			Make		Model		Caliber			
Color		Serial No.		Value \$0.00		Qty 1.000		Unit		Jurisdiction Locally		
Status Stolen		Date 03/18/2002		NIC #		State #		Local #		OAN		
Name (Last, First, Middle) CLARK, JANET					DOB 05/26/1937		Age 64		Race W		Sex F	

Notes

Capital One card and a Merchants Bank Card

Elkhart Police Department

OCA: 20020318044

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: INACTIVE / SUSPENDED

Case Mng Status: INACTIVE / SUSPENDED

Occurred: 03/18/2002

Offense: BURGLARY - UNLAWFUL ENTRY - NO

Investigator: DAGGY, M. A. (192)

Date / Time: 04/09/2002 12:20:39, Tuesday

Supervisor: PRICE, S. R. (308)

Supervisor Review Date / Time: 03/05/2014 00:00:00, Wednesday

Contact:

Reference: Additional

On 04-08-02, I met with Danalee Meitzler (, Res. , Elk.). Danalee is the Project Manager for Riverside and Waterfall Highrises. I met with Danalee in reference to (7) seven burglaries that took place in Waterfall Highrise. Danalee stated around 6 months ago a former employee by the name of Curtis Pratcher was working as a maintenance man. Pratcher was and still is dating a resident at Waterfall Highrise by the name of Lana Canen. Canen lives in apartment #802. Danalee stated Pratcher was released from working in the Highrise at Waterfall because employers are not supposed to date residents. To Danalee's knowledge, Pratcher turned the key in. Danalee feels that a duplicate master key was made and could have been given to Pratchers girlfriend Lana Canen. Pratcher still works at Riverside Highrise and all the other public housing, however he is not allowed in Waterfall Highrise.

The first victim I talked to was Janet Clark (, tx. 296- , Res. #). Clark was the first resident to report items missing from the burglaries. Clark stated she noticed several earrings were missing from a candy box, a check book, cash and some credit cards were taken between the hours of 1445-1630 on 03-18-03. Clark stated that when she left her room, she locked the dead bolt. When she came back to her room, she had to unlock it again. She feels that someone used a key to get in her room. Clark showed me a copy of a receipt that was written out to her from resident Lana Canen, Canen lives next door in #802. Clark bought some T-shirts from Canen. Clark then showed me a returned check that was taken from resident Emma Cox. Comparing the hand writing on the check to the receipt showed similarities to being Lana Canens handwriting.

The second victim I talked to was Emma Cox (, tx. 523- , Res. #). Cox stated that she had a check book and a billfold taken out of her apartment between 1500 hrs. on 03-18-02 and 0555 hrs. on 03-19-02. Cox stated that whoever entered that apartment had to use a key, because her door was always locked when she left and came back to her apartment. No forced entry or damage was done to the door. Cox gave me a copy of a returned check that was used the night her check was stolen. I called Martins Super Markets office and they stated that they do not have video of the transaction.

I talked with third victim, Sylvia Wilson (, tx. 295- , wk. tx. 875- , Res. # on 04-09-02). She had two gold necklaces, a pair of diamond rings and a Dream Cicle figurine taken from her apartment on 03-21-02 between the hours of 0715 and 2230. Wilson also stated on 03-28-02 at 0130 hrs. she saw feet at her door and someone was turning her handle. On 04-04-02 at 0630 hrs. Wilson stated that she was taken a shower, when she exited her shower she noticed that her door to her apartment was open. It was locked before her shower. No forced entry during the burglary.

I attempted to talk with Edward Walsh (, tx. 522- , Res. #); I left an answer on his machine and left a business card at his door, but I was unable to talk to him.

I talked to Patricia Floyd (, Res. #). Floyd stated that she had canned goods and a 6 pak of Pepsi taken. The canned goods were above her refrigerator in a cabinet. Floyd stated that her items were taken between 1830 hrs. on 03-26-02 and 1230 hrs. on 03-27-02. No forced entry.

I talked with Dorothy Horton (, tx. 522- , Res. #). Horton stated that she got her leather coat taken

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT

Elkhart Police Department

OCA: 20020318044

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Case Status: INACTIVE / SUSPENDED

Case Mng Status: INACTIVE / SUSPENDED

Occurred: 03/18/2002

Offense: BURGLARY - UNLAWFUL ENTRY - NO

Investigator: DAGGY, M. A. (192)

Date / Time: 04/09/2002 12:20:39, Tuesday

Supervisor: PRICE, S. R. (308)

Supervisor Review Date / Time: 03/05/2014 00:00:00, Wednesday

Contact:

Reference: Additional

out of her apartment between 1500 and 1900 hrs. on 03-28-02. The day I talked to her (04-08-02) she said that her apartment was unlocked when she returned to it but no one was inside. No forced entry.

I talked with Paula Sjogren (, tx. 295- Res. #). Paula stated that between 1300 and 1830 hrs. on 04-02-02 someone took her diamond ring valued at \$1500.00. Paula feels that Lana Canen is the suspect in her burglary. Paula stated around 4 months ago, Lana Canen wanted to use her bathroom. Paula let Canen use her bathroom. When Canen came out of her bathroom she commented on the medication that was in Paula's medicine cabinet. Paula told Canen not to be snooping in her cabinet. Approximately 3 weeks ago, Canen returned to Paula's apartment to say she was sorry for the incident with the medicine cabinet. Paula stated that Canen came into her apartment for awhile. After Canen left the apartment, Paula noticed that her car keys were missing. Canen was the only one in the apartment when her car keys came up missing and Paula thinks she took them.

I have made attempts to talk to Lana Canen, I knocked on the door and left my business card on her door, but I have not talked to her yet.

Det. M.A.Daggy #192

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT

Printed: 03/28/2014 14:27

Elkhart Police Department

OCA: 20020318044

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: INACTIVE / SUSPENDED

Case Mng Status: INACTIVE / SUSPENDED

Occurred: 03/18/2002

Offense: BURGLARY - UNLAWFUL ENTRY - NO

Investigator: DAGGY, M. A. (192)

Date / Time: 10/07/2002 15:54:11, Monday

Supervisor: PRICE, S. R. (308)

Supervisor Review Date / Time: 03/05/2014 00:00:00, Wednesday

Contact: Pratcher, Curtis Lee

Reference: Witness Statement

1513-B Prairie St, Elkhart 574-

THE FOLLOWING FREE AND VOLUNTARY STATEMENT IS GIVEN TO DETECTIVE MARK DAGGY, WHO HAS IDENTIFIED HIMSELF AS A POLICE DETECTIVE WITH THE ELKHART CITY POLICE DEPARTMENT

DATE: 10-07-02

NAME: Curtis Pratcher

DOB:

SS#

ADDRESS: , Elkhart, In

HOME PHONE:

EMPLOYMENT: Elkhart Housing Authority

ADDRESS: 1396 Benham, Elkhart, In

PHONE: 295-

My name is Curtis Pratcher and I have resided at the above address for about a year, I am talking to Det. Daggy about a burglary case he is working. I have worked for the Elkhart Housing Authority for 4 years. I used to date a Lana Canen. She is a female that resides in Waterfall High rise. Her room number is #802.

I got a battery charge from Lana Canen in August of 2001 and shortly after this I stopped dating her and I wasn't allowed to work in the Waterfall high rise building. I still am not allowed to work in this building; the judge put a restraining order on me and for a year after the battery incident, I was not allowed to be around Lana.

After the battery incident and before my court date and the restraining order, Lana came over to my house, I'm not sure of the date. I was living at 181 North Riverside Apt. #102. Lana stayed the night. I woke up the next morning and all of my keys that belonged to the Housing Authority including the Master Key to Waterfall High rise were gone. Lana was gone too. When the keys came up missing there was no one there but me and her. I feel that Lana took the keys. I have not seen her since.

I heard that rooms were being Burglarized at Waterfall High rise. My brother in law, Milton Banks heard a rumor that Lana may have the keys because we used to date. Milton also works for the Housing Authority. I have not been in the Waterfall High rise for over a year now.

This statement is true and complete to the best of my knowledge.

I, swear, or affirm, under the penalty for perjury, as specified by I.C. 35-44-2-1, that the foregoing representations are true.

WITNESS: _____ SIGNATURE _____

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT

Elkhart Police Department

OCA: 20020318044

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *INACTIVE / SUSPENDED*Case Mng Status: *INACTIVE / SUSPENDED*

Occurred: 03/18/2002

Offense: *BURGLARY - UNLAWFUL ENTRY - NO*Investigator: *DAGGY, M. A. (192)*

Date / Time: 10/28/2002 16:26:24, Monday

Supervisor: *PRICE, S. R. (308)*

Supervisor Review Date / Time: 03/05/2014 00:00:00, Wednesday

Contact:

Reference: *Closure*

In reference to this case, approximately (8) eight rooms at the Waterfall Highrise were broken into. All of the rooms involved had no forced entry and a master key was believed to be used. The suspect in this case is a Lana Canen, she resides in apartment #802. The residents in the Highrise feel that Canen is a suspect due to the fact that she used to date a maintenance worker. His name is Curtis Pratcher. Pratcher used to date Canen and work in Waterfall Highrise.

I interviewed Pratcher, he stated that he did in fact date Canen. Pratcher stated that in August of 2001 Canen stayed at his house and when he woke up the next morning, his master keys to Waterfall Highrise were missing. Pratcher stated that Canen was the only person that was in his apartment and the only person that could have taken his keys. Pratcher also stated that around this time, he had a battery charge placed on him by Canen and she he had a restraining order placed on him from Canen. Pratcher stated that he wasn't allowed to work in the Highrise or even be around Canen for a year. That restraining order has since expired.

One resident, Emma Cox had a check book taken from the burglary. The check was cashed at Martin's Grocery with her check cashing card the check was also written out to Emma Cox. The writing on the check matched Lana's handwriting. I compared this writing to a receipt that was hand written by Lana and also her handwriting on a Miranda form that was read to her and signed by her.

I talked with Lana, she signed and waved her Miranda rights and agreed to talk after many attempts to talk with her. Lana stated that she had no knowledge at times, but stated that she would tell me more after she requested a lawyer. After the interview, I walked Lana out and I told her that I was thinking about getting a warrant for her arrest. Lana stated that she would tell me more, but was afraid to give me more information because drugs were somehow involved and the Housing Authority would kick her out if they found out.

Recently I have been advised that the Housing Authority is going to terminate Lana from residing at the Highrise. Since I talked with Lana, new chain locks have been put on the doors and the burglaries have stopped. Due to the fact that I exhausted all leads in this case, I request this case become inactivated until further information derives. See Case 2002-0318-044.

Det. M.A.Daggy #192

Investigator Signature: _____

CASE SUPPLEMENTAL REPORT

Elkhart Police Department

OCA: 20020318044

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *Open / Active*

Case Mng Status: *Assigned*

Printed: 10/07/2002 16:18

Investigator: *DAGGY, M. A. (192)*

Date / Time: *10/07/2002 15:54:11, Monday*

Supervisor: *(0)*

Supervisor Review Date / Time:

Contact: *Pratcher, Curtis*

Reference: *Witness Statement*

THE FOLLOWING FREE AND VOLUNTARY STATEMENT IS GIVEN TO DETECTIVE MARK DAGGY, WHO HAS IDENTIFIED HIMSELF AS A POLICE DETECTIVE WITH THE ELKHART CITY POLICE DEPARTMENT

DATE: 10-07-02

NAME: Curtis Pratcher

DOB:

SS#

ADDRESS: Elkhart, In

HOME PHONE:

EMPLOYMENT: Elkhart Housing Authority

ADDRESS: 1396 Benham, Elkhart, In

PHONE: 295-

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After the battery incident and before my court date and the restraining order, Lana came over to my house, I'm not sure of the date. I was living at 181 North Riverside Apt. #102. Lana stayed the night. I woke up the next morning and all of my keys that belonged to the Housing Authority including the Master Key to Waterfall High rise were gone. Lana was gone too. When the keys came up missing there was no one there but me and her. I feel that Lana took the keys. I have not seen her since.

I heard that rooms were being Burglarized at Waterfall High rise. My brother in law, Milton Banks heard a rumor that Lana my have the keys because we used to date. Milton also works for the Housing Authority. I have not been in the Waterfall High rise for over a year now.

This statement is true and complete to the best of my knowledge. *C.P.*

I, swear, or affirm, under the penalty for perjury, as specified by I.C. 35-44-2-1, that the foregoing representations are true.

WITNESS

SIGNATURE

Curtis Pratcher

INCIDENT/INVESTIGATION REPORT

By: DAGGYMAR

03/28/2014 14:51

Elkhart Police Department

Page 2

Case# 2002-0402-040

1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

[illegible]

Assisting Officers

Suspect Hate / Bias Motivated:

Page 2

NARRATIVE

On Tuesday, 4/2/02, at approximately 1945 hours I was dispatched to 303 Waterfall Dr. reference to a burglary report. Upon arrival I spoke to Paula Sjogren. Ms Sjogren was in the lobby of the high rise and advised her apartment, 1003, was burglarized. Ms Sjogren advised she left to go to a friends at approximately 1300 hours. When she left she locked her apartment door. When she returned at approximately 1830 hours her door was still locked. Once inside she noticed her diamond ring and wedding band were gone. She advised nothing else was disturbed or taken.

Ms Sjogren has heard for other residents at the high rise of similar burglaries. She advised a maintenance man was recently fired. He has a girlfriend that lives in apartment 808. She thinks he kept a master key and is going into rooms and stealing items. She did not have names for the above mentioned.

No tech was called.

Incident Report Related Property List

Elkhart Police Department

OCA: 2002-0402-040

1 Property Description DIAMOND RING AND WEDDING BAND		Make		Model		Caliber	
Color Gold	Serial No.		Value \$1,500.00	Qty 1.000	Unit	Jurisdiction Locally	
Status Stolen	Date 04/02/2002	NIC #	State #	Local #		OAN	
Name (Last, First, Middle) SJOGREN, PAULA C			DOB 10/19/1954	Age 47	Race W	Sex F	

Notes

CASE SUPPLEMENTAL REPORT

Printed: 03/28/2014 14:32

NOT SUPERVISOR APPROVED

Elkhart Police Department

OCA: 20020402040

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: INACTIVE / SUSPENDED

Case Mng Status: INACTIVE / SUSPENDED

Occurred: 04/02/2002

Offense: BURGLARY - UNLAWFUL ENTRY - NO

Investigator: DAGGY, M. A. (192)

Date / Time: 10/28/2002 17:25:07, Monday

Supervisor: (0)

Supervisor Review Date / Time: NOT REVIEWED

Contact:

Reference: Closure

In reference to this case, approximately (8) eight rooms at the Waterfall Highrise were broken into. All of the rooms involved had no forced entry and a master key was believed to be used. The suspect in this case is a Lana Canen, she resides in apartment #802. The residents in the Highrise feel that Canen is a suspect due to the fact that she used to date a maintenance worker. His name is Curtis Pratcher. Pratcher used to date Canen and work in Waterfall Highrise.

I interviewed Pratcher, he stated that he did in fact date Canen. Pratcher stated that in August of 2001 Canen stayed at his house and when he woke up the next morning, his master keys to Waterfall Highrise were missing. Pratcher stated that Canen was the only person that was in his apartment and the only person that could have taken his keys. Pratcher also stated that around this time, he had a battery charge placed on him by Canen and she he had a restraining order placed on him from Canen. Pratcher stated that he wasn't allowed to work in the Highrise or even be around Canen for a year. That restraining order has since expired.

One resident, Emma Cox had a check book taken from the burglary. The check was cashed at Martin's Grocery with her check cashing card the check was also written out to Emma Cox. The writing on the check matched Lana's handwriting. I compared this writing to a receipt that was hand written by Lana and also her handwriting on a Miranda form that was read to her and signed by her.

I talked with Lana, she signed and waved her Miranda rights and agreed to talk after many attempts to talk with her. Lana stated that she had no knowledge at times, but stated that she would tell me more after she requested a lawyer. After the interview, I walked Lana out and I told her that I was thinking about getting a warrant for her arrest. Lana stated that she would tell me more, but was afraid to give me more information because drugs were somehow involved and the Housing Authority would kick her out if they found out.

Recently I have been advised that the Housing Authority is going to terminate Lana from residing at the Highrise. Since I talked with Lana, new chain locks have been put on the doors and the burglaries have stopped. Due to the fact that I exhausted all leads in this case, I request this case become inactivated until further information derives.

Det. M.A.Daggy #192

Investigator Signature: _____

Elkhart Police Department

OCA: 20020318044

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: INACTIVE / SUSPENDED

Case Mng Status: INACTIVE / SUSPENDED

Occurred: 03/18/2002

Offense: BURGLARY - UNLAWFUL ENTRY - NO

Investigator: DAGGY, M. A. (192)

Date / Time: 04/09/2002 12:20:39, Tuesday

Supervisor: PRICE, S. R. (308)

Supervisor Review Date / Time: 03/05/2014 00:00:00, Wednesday

Contact:

Reference: Additional

On 04-08-02, I met with Danalee Meitzler (, Res. Elk.). Danalee is the Project Manager for Riverside and Waterfall Highrises. I met with Danalee in reference to (7) seven burglaries that took place in Waterfall Highrise. Danalee stated around 6 months ago a former employee by the name of Curtis Pratcher was working as a maintenance man. Pratcher was and still is dating a resident at Waterfall Highrise by the name of Lana Canen. Canen lives in apartment #802. Danalee stated Pratcher was released from working in the Highrise at Waterfall because employers are not supposed to date residents. To Danalee's knowledge, Pratcher turned the key in. Danalee feels that a duplicate master key was made and could have been given to Pratchers girlfriend Lana Canen. Pratcher still works at Riverside Highrise and all the other public housing, however he is not allowed in Waterfall Highrise.

The first victim I talked to was Janet Clark (, tx. 296- Res. #801). Clark was the first resident to report items missing from the burglaries. Clark stated she noticed several earrings were missing from a candy box, a check book, cash and some credit cards were taken between the hours of 1445-1630 on 03-18-03. Clark stated that when she left her room, she locked the dead bolt. When she came back to her room, she had to unlock it again. She feels that someone used a key to get in her room. Clark showed me a copy of a receipt that was written out to her from resident Lana Canen, Canen lives next door in #802. Clark bought some T-shirts from Canen. Clark then showed me a returned check that was taken from resident Emma Cox. Comparing the hand writing on the check to the receipt showed similarities to being Lana Canens handwriting.

The second victim I talked to was Emma Cox (tx. 523- , Res. #). Cox stated that she had a check book and a billfold taken out of her apartment between 1500 hrs. on 03-18-02 and 0555 hrs. on 03-19-02. Cox stated that whoever entered that apartment had to use a key, because her door was always locked when she left and came back to her apartment. No forced entry or damage was done to the door. Cox gave me a copy of a returned check that was used the night her check was stolen. I called Martins Super Markets office and they stated that they do not have video of the transaction.

I talked with third victim, Sylvia Wilson (, tx. 295- wk. tx. 875- Res. # , on 04-09-02). She had two gold necklaces, a pair of diamond rings and a Dream Cicle figurine taken from her apartment on 03-21-02 between the hours of 0715 and 2230. Wilson also stated on 03-28-02 at 0130 hrs. she saw feet at her door and someone was turning her handle. On 04-04-02 at 0630 hrs. Wilson stated that she was taken a shower, when she exited her shower she noticed that her door to her apartment was open. It was locked before her shower. No forced entry during the burglary.

I attempted to talk with Edward Walsh (, tx. 522- Res. # ; I left an answer on his machine and left a business card at his door, but I was unable to talk to him.

I talked to Patricia Floyd (, Res. #). Floyd stated that she had canned goods and a 6 pak of Pepsi taken. The canned goods were above her refrigerator in a cabinet. Floyd stated that her items were taken between 1830 hrs. on 03-26-02 and 1230 hrs. on 03-27-02. No forced entry.

I talked with Dorothy Horton (, tx. 522- Res. #). Horton stated that she got her leather coat taken

Investigator Signature: _____



CASE SUPPLEMENTAL REPORT

Printed: 03/05/2014 15:23

Elkhart Police Department

OCA: 20020318044

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *INACTIVE / SUSPENDED*Case Mng Status: *INACTIVE / SUSPENDED*

Occurred: 03/18/2002

Offense: *BURGLARY - UNLAWFUL ENTRY - NO*Investigator: *DAGGY, M. A. (192)*

Date / Time: 04/09/2002 12:20:39, Tuesday

Supervisor: *PRICE, S. R. (308)*

Supervisor Review Date / Time: 03/05/2014 00:00:00, Wednesday

Contact:

Reference: *Additional*

out of her apartment between 1500 and 1900 hrs. on 03-28-02. The day I talked to her (04-08-02) she said that her apartment was unlocked when she returned to it but no one was inside. No forced entry.

I talked with Paula Sjogren (, tx. 295- Res. #). Paula stated that between 1300 and 1830 hrs. on 04-02-02 someone took her diamond ring valued at \$1500.00. Paula feels that Lana Canen is the suspect in her burglary. Paula stated around 4 months ago, Lana Canen wanted to use her bathroom. Paula let Canen use her bathroom. When Canen came out of her bathroom she commented on the medication that was in Paula's medicine cabinet. Paula told Canen not to be snooping in her cabinet. Approximately 3 weeks ago, Canen returned to Paula's apartment to say she was sorry for the incident with the medicine cabinet. Paula stated that Canen came into her apartment for awhile. After Canen left the apartment, Paula noticed that her car keys were missing. Canen was the only one in the apartment when her car keys came up missing and Paula thinks she took them.

I have made attempts to talk to Lana Canen, I knocked on the door and left my business card on her door, but I have not talked to her yet.

Det. M.A.Daggy #192

Investigator Signature: _____

\$ 7.00 X 5 T-shirt	35.00
\$ 9.00 X 1 Sweatshirt Elvis	9.00
25.00 X Misc Kick Knacks	<u>25.00</u>
Grand Total	69.00
1-31-2002 Payment	<u>15.00</u>
L.C./SC Bal Due	\$ 54.00
	<u>20.00</u>
2-3-2002 New Bal	34.00
L.C./SC	<u>14.00</u>
3-10-2002 new Bal	20.00
L.C./SC	

3-17-02 - I put a note in Lana door with
\$7.00 - in ones for a blue T-shirt. She
sold me.

50

Case No. _____

**ELKHART POLICE DEPARTMENT
LEGAL RIGHTS ADVICE FORM**

DATE 4/22/2002

TIME 1:04 p.m.
(Time Warning Started)

L.R.C.
Before we ask you any questions, you must understand your rights.

You have the right to remain silent.

Anything you say can and will be used against you in court.

You have a right to consult with a lawyer before we ask you any questions, and to have him with you during questioning.

If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. L.R.C.

Waiver:

L.R.C. I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. I do not want a lawyer at this time. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me. L.R.C.

WITNESS [Signature] #192

Lana R. Conner
(Signature of person being advised of his/her rights)



WITNESS _____

DATE 4/22/2002

TIME 1:06 pm

TIME 1:05 p.m.
(Time signed by person advised of his/her rights)

PLACE Rm #24
(Exact Location)

PLACE Elk Police Dept
(Exact Location)

CASE SUPPLEMENTAL REPORT

Elkhart Police Department

OCA: 20020318044

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: Open / Active

Case Mng Status: Assigned

Printed: 10/07/2002 16:18

Investigator: DAGGY, M. A. (192)

Date / Time: 10/07/2002 15:54:11, Monday

Supervisor: (0)

Supervisor Review Date / Time:

Contact: Pratcher, Curtis

Reference: Witness Statement

THE FOLLOWING FREE AND VOLUNTARY STATEMENT IS GIVEN TO DETECTIVE MARK DAGGY, WHO HAS IDENTIFIED HIMSELF AS A POLICE DETECTIVE WITH THE ELKHART CITY POLICE DEPARTMENT

DATE: 10-07-02

NAME: Curtis Pratcher

DOB:

SS#

ADDRESS: _____, Elkhart, In

HOME PHONE:

EMPLOYMENT: Elkhart Housing Authority

ADDRESS: 1396 Benham, Elkhart, In

PHONE:

C.P. My name is Curtis Pratcher and I have resided at the above address for about a year, I am talking to Det. Daggy about a burglary case he is working. I have worked for the Elkhart Housing Authority for 4 years. I used to date a Lana Canen. She is a female that resides in Waterfall High rise. Her room number is #802.

I got a battery charge from Lana Canen in August of 2001 and shortly after this I stopped dating her and I wasn't allowed to work in the Waterfall high rise building. I still am not allowed to work in this building; the judge put a restraining order on me and for a year after the battery incident, I was not allowed to be around Lana.

After the battery incident and before my court date and the restraining order, Lana came over to my house, I'm not sure of the date. I was living at 181 North Riverside Apt. #102. Lana stayed the night. I woke up the next morning and all of my keys that belonged to the Housing Authority including the Master Key to Waterfall High rise were gone. Lana was gone too. When the keys came up missing there was no one there but me and her. I feel that Lana took the keys. I have not seen her since.

I heard that rooms were being Burglarized at Waterfall High rise. My brother in law, Milton Banks heard a rumor that Lana my have the keys because we used to date. Milton also works for the Housing Authority. I have not been in the Waterfall High rise for over a year now.

This statement is true and complete to the best of my knowledge. C.P.

I, swear, or affirm, under the penalty for perjury, as specified by I.C. 35-44-2-1, that the foregoing representations are true.

WITNESS

[Signature] #192

SIGNATURE

Curtis Pratcher



Elkhart Police Department

OCA: 20020318044

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: INACTIVE / SUSPENDED

Case Mng Status: INACTIVE / SUSPENDED

Occurred: 03/18/2002

Offense: BURGLARY - UNLAWFUL ENTRY - NO

Investigator: DAGGY, M. A. (192)

Date / Time: 10/28/2002 16:26:24, Monday

Supervisor: PRICE, S. R. (308)

Supervisor Review Date / Time: 03/05/2014 00:00:00, Wednesday

Contact:

Reference: Closure

In reference to this case, approximately (8) eight rooms at the Waterfall Highrise were broken into. All of the rooms involved had no forced entry and a master key was believed to be used. The suspect in this case is a Lana Canen, she resides in apartment #802. The residents in the Highrise feel that Canen is a suspect due to the fact that she used to date a maintenance worker. His name is Curtis Pratcher. Pratcher used to date Canen and work in Waterfall Highrise.

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Recently I have been advised that the Housing Authority is going to terminate Lana from residing at the Highrise. Since I talked with Lana, new chain locks have been put on the doors and the burglaries have stopped. Due to the fact that I exhausted all leads in this case, I request this case become inactivated until further information derives. See Case 2002-0318-044.

Det. M.A.Daggy #192



Investigator Signature: _____

User: GORBYREB

ELKHART POLICE DEPARTMENT

04/08/14 02:17:57

CANEN, LANA RAE



Photo Date: 04/14/03 12:00:00 AM

CANEN, LANA RAE (W F



ARREST REPORT

A G E N C Y	Agency Name Elkhart Police Department		ORI 0200100 E0005		Date/Time Arrested 04/14/2003 16:40 Mon		Case # 20030414045			
	Taken		Arrest Tract		Residence Tract		Arrest Number 18247			
A R R E S T E E	Name (Last, First, Middle) CANEN, LANA RAE			D.O.B.	Age 43	Race W	Sex F	Place of Birth South Bend, In	Citizenship US	
	Current Address 6 Sunrise Dr, ELKHART, IN 46517-			Phone 574-		Occupation		Residence Status Resident		
	Employer's Name			Address			Phone			
	Also Known As (Alias Names)					Hgt 5'04	Wgt 110	Hair Brown	Eyes Brown	Skin To Fair
	Scars, Marks, Tattoos			Social Security #		OLN and State		Misc. # and Type		
	Nearest Relative Name CANEN, NICK			Address ELKHART, IN				Phone 574-		
	If Armed, Type of Weapon			Type of Arrest TAKEN INTO CUSTODY / WARRANT			Place of Arrest PRAIRIE/JACKSON, ELKHART			
A R R E S T	Charge #1 Check Deception Wrt		Type Misd	Counts 1	IBR Code 1100	Warrant/Summons # 20H010210CM21326		Statute # 35-43-5-5 AM	Warr. Date 11/04/2001	
	Charge #2		Type	Counts	IBR Code	Warrant/Summons #		Statute #	Warr. Date	
	Charge #3		Type	Counts	IBR Code	Warrant/Summons #		Statute #	Warr. Date	
			Type	Counts	IBR Code	Warrant/Summons #		Statute #	Warr. Date	
V E H I C L E	VYR	Make		Model		Style				
	Color	Plate #/State/Plate Year			VIN					
	Vehicle									
C O N F I N D	Date/Time Confined 04/14/2003 17:08:45		Place Confined EPD			Committing Magistrate				
	Type Bond Surety Bond/bondsman		Bond Amount \$1,000.00		Trial Date	Time	Court Of	City		
	Arresting Officer Name/ID #/Bureau DAGGY, M. A. (192) CID									
	Assisting Officer Name/ID #/Bureau Not Found: 287 Not Found: 287				Released By (Name/Department/ID #)		Date/Time Released			
Status Codes	1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown/Lost									
D R U G S	Code	Status	Quantity	Type Measure	Suspected Type					
O T H E R	Name			Address			Phone			
	Name			Address			Phone			
N A R R A T I V E										
S T A T U S	Arresting Officer Signature/ID #/Bureau DAGGY, M. A. (192) CID									
	Case Status				Arrestee Signature					

r_ar1br


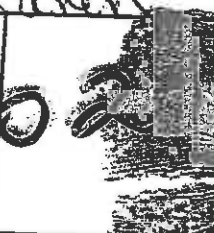



Printed By: SZABOGRE,

Canen Lana Rae

ELKHART POLICE DEPARTMENT

175 Waterfall Dr.
Elkhart, IN 46516

ORI
IN 0200 100

SIGNATURE OF PERSON FINGERPRINTED <i>Lana R. Canen</i>		DATE <i>4/14/03</i>	SIGNATURE OF OFFICIAL TAKING FINGERPRINTS <i>[Signature]</i>		EPD FILE # <i>03F-1574</i>
					
1. RIGHT THUMB	2. RIGHT INDEX	3. RIGHT MIDDLE	4. RIGHT RING	5. RIGHT LITTLE	

106/107

ELKHART P.D.

Loft

--- Fort Wayne Laboratory ---
Lab #: 03F-1574 Item #: 002
Elkhart Police Department

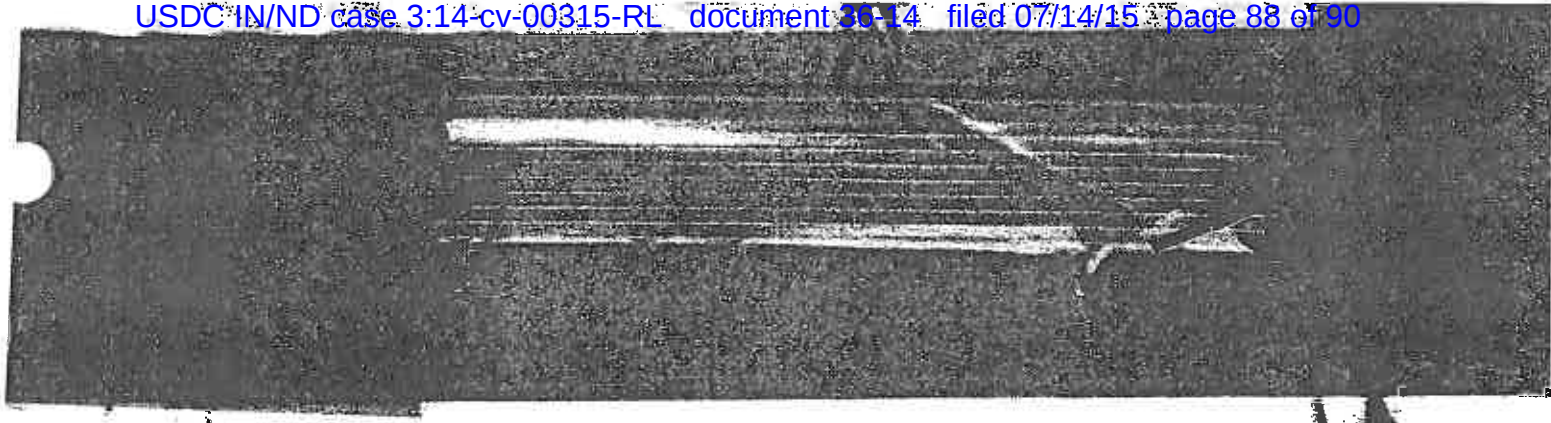


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03F-1574
#002

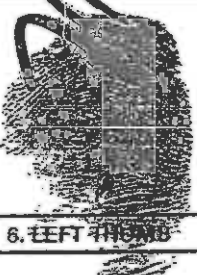




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7/15/03



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#002

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6. LEFT THUMB	7. LEFT INDEX	8. LEFT MIDDLE	9. LEFT RING	10. LEFT LITTLE


LEFT PALM



Handwritten signature/initials

Handwritten signature/initials

Handwritten signature/initials






ELKHART POLICE DEPARTMENT

175 Waterfall Dr.
Elkhart, IN 46516

ORI
IN 0200 100

11871
03F-1574
002

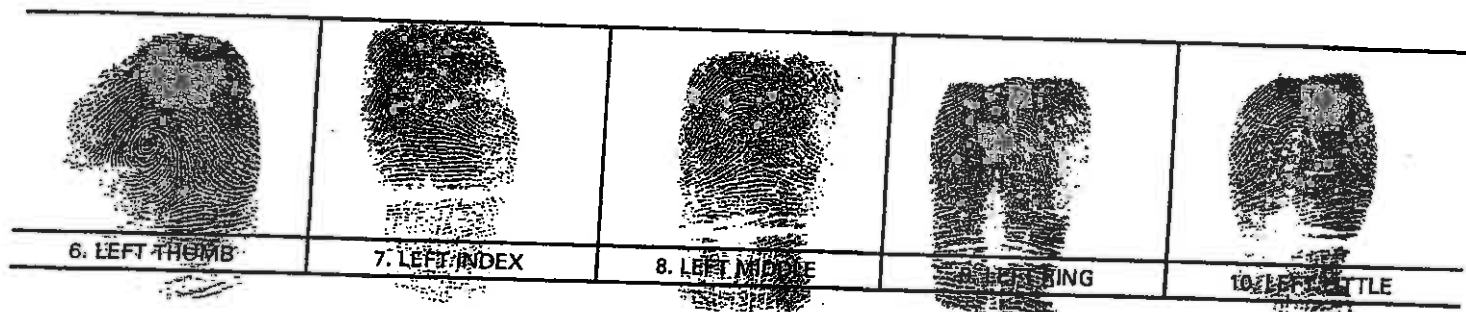
R

SIGNATURE OF PERSON FINGERPRINTED <i>Lana R. Canen</i>		DATE <i>4/14/03</i>	SIGNATURE OF OFFICIAL TAKING FINGERPRINTS <i>[Signature]</i> 3134		EPD FILE # 17992
					
1. RIGHT THUMB	2. RIGHT INDEX	3. RIGHT MIDDLE	4. RIGHT RING	5. RIGHT LITTLE	


RIGHT PALM

NRM
03F1574
#002

L



LEFT PALM

